

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

July 7, 2004

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., July 7, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

MINUTES

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve minutes of meeting held May 19, June 2, and 21, 2004.

FLOOD CONTROL DISTRICT PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Property Management – Agua Fria (Per Resolution FCD 1999R016)

Item N/A, Permanent Maintenance Roadway Easement from the City of Avondale to the Flood Control District of Maricopa County for the sum of \$1.00. (ADM1910)

INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY WATER CONSERVATION DISTRICT NO. 1

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2003A009 between the Flood Control District of Maricopa County (District) and the Maricopa County Water Conservation District No. 1 (MWD) for the White Tanks Flood Retarding Structure (FRS) No. 3 North Inlet Channel Project No. 470. The purpose of this IGA is to identify the responsibilities for cost-sharing, design, rights-of-way, and utility relocation for this project. The project cost will be shared equally (50/50) between the district, estimated at \$380,000 and MWD, estimated at \$380,000 for a total estimated cost of \$760,000. (C69040902) (ADM4391)

SELL EXCESS PARCELS

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County (District) to sell excess parcels beginning in FY 2004-2005. The parcels are T-251-EX, T-252-EX, T-253-EX, T-254-EX, T-255-EX, T-256-EX, T-257-EX, and T-258-EX, consisting of seven houses and one office located on the north side of the Arizona Canal Diversion Channel beginning at the intersection of 35th Avenue and Vogel Avenue. The district will use its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be fair market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, district staff will sell the

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parcel in compliance with ARS §9-402, which mandates that an invitation for bid be published for the sale of all real property. (Supervisory District No. 4) (C6904103B) (ADM1903-002)

CONTRACTS FOR ON-CALL UTILITY LOCATION AND IDENTIFICATION SERVICES

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to award the three contracts for on-call utility location and identification services as follows:

- TBE Group, Inc., Contract FCD 2004C011, in the amount of \$100,000 (C69050035)
- Geotrack, Inc., Contract FCD 2004C012, in the amount of \$75,000 (C69050045)
- American Water Services Underground Infrastructure, Inc., Contract FCD 2004C013, in the amount of \$75,000 (C69050055)

Each contract is for a not-to-exceed amount stated above, or for 730 calendar days from the date of award, whichever occurs first. The Flood Control District of Maricopa County (District) and each respective consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to each respective contract. All work assignments authorized under each respective contract will be for district engineering, planning and surveying services. (C69050025ZZ)

RESOLUTION – BIDDING ON STATE LANDS AT AUCTION FOR PROPERTY NECESSARY FOR FLOOD CONTROL AND STORM DRAINAGE PURPOSES

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution 2004R007, Authorize Bidding on State Lands at Auction. This Resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County (District) to bid at State Trust Land auctions for property necessary for flood control and storm drainage purposes, which acquisitions have been previously approved by the Board of Directors of the Flood Control District (Board). (C69050076) (ADM1918)

RESOLUTION FCD 2004R007
AUTHORIZE BIDDING ON STATE LANDS AT AUCTION

WHEREAS, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and,

WHEREAS, Arizona Revised Statutes Section 48-3603.C.1 and 2 allow the Board to acquire real property and rights-of-way for the construction, operation and maintenance of flood control works and storm drainage facilities; and,

WHEREAS, the location, design, hydrology, hydraulics and other requirements for flood control and storm drainage facilities may from time to time require the acquisition of Arizona State Trust Lands; and,

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WHEREAS, State Trust Lands must by law be offered for public auction and sold to the highest bidder at such auction, after request by the Flood Control District of Maricopa County (District) that the lands be offered for sale; and,

WHEREAS, the District has always bid only the appraised value of the State Trust Lands and, when outbid, has acquired the required property from the successful highest bidder exercising the District's powers of eminent domain; and,

WHEREAS, there have been several required properties, purchased at State Land auctions by higher bidders, that the District subsequently acquired by eminent domain resulting in significant condemnation costs and fees and at significant additional cost due to the time required to file and pursue the condemnation.

NOW THEREFORE, BE IT RESOLVED THAT the Board finds it to be in the best interest of the District that the Chief Engineer and General Manager, or his/her designee, be authorized to bid at State Trust Land auctions for property necessary for flood control and storm drainage purposes, which have been previously approved by the Board of Directors for acquisition; and,

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is directed and authorized to set a limit, not to exceed one hundred fifty percent (150%) of the appraised value of the State Trust Land, that the District may bid within to acquire at public auction specific State Trust Lands as are necessary for flood control and storm drainage purposes; and,

BE IT FURTHER RESOLVED that a record shall be kept at the District of each decision and the bidding limits established for each specific parcel.

DATED this 7th day of July 2004.

/s/ Andy Kunasek, Chairman, Board of Directors

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

SELL EXCESS PARCELS

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County (District) to sell excess parcels beginning in FY 2004-2005. The parcels consist of:

- Parcel No. SW4-2EX is a vacant strip of land located south of Beardsley Road, between 39th Avenue and 40th Drive, on the south side of the Scatter Wash Channel, containing 0.42 acres +/-.
- Parcel No. SW4-3EX is a vacant strip of land located south of Beardsley Road, between 39th Avenue on the north side of Scatter Wash Channel, containing 0.32 acres +/-.

The District will utilize its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The auction will start at fair market value, with the starting bid determined by a certified licensed appraiser, or, in the event of a sale

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to a municipality, or school district, at fair market value without an auction. If an auction takes place, district staff will sell the parcel in compliance with ARS §9-402, which mandates that an invitation for bid be published for the sale of all real property. (Supervisory District No. 4) (C6905008B) (ADM1903-002)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andy Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board